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VANCE K. OPPERMAN  
President

*Mr. Lehman*  
*[Signature]*  
*Mr. Huther*

September 13, 1995

VIA FACSIMILE  
703/305-8664

Bruce Lehman  
Assistant Secretary of Commerce and  
Commissioner, Patents and Trademarks  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

Dear Bruce:

I have sent the attached letter to Sally Katzen and Bruce McConnell of OMB. As you can see, we are strongly against the free service proposed by Carl Malamud and urge you to keep PTO out of any such endeavor. Please let me know what I can do to further your efforts on behalf of enlightened public policy in these areas.

Again, congratulations on your absolutely outstanding white paper "Intellectual Property in the NII". I am in awe of someone who can master on the one hand the intellectual information and on the other the political information inherent in this dialogue.

Your friend,

*Vance*

Vance K. Opperman

VKO:clw

cc: Brad Huther, Associate Commissioner  
Patent & Trademark Office

# FAX COVER SHEET

*Mr. Lehman*  
*Mr. Huth*

**DATE:** SEPTEMBER 13, 1995

**TO:** BRUCE LEHMAN

ASSISTANT SECRETARY OF COMMERCE AND  
COMMISSIONER, PATENTS AND TRADEMARKS

**COMPANY:** U.S. PATENT AND TRADEMARK OFFICE

WASHINGTON, D.C. 20231

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**NUMBER OF PAGES INCLUDING THIS ONE:** 4

**COMMENTS:**  
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President

September 13, 1995

VIA FACSIMILE

202/395-5167

Bruce McConnell  
Chief, Information Policy Branch  
Office of Information & Regulatory Affairs  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. McConnell:

In my position as a member of the U.S. Advisory Council on the National Information Infrastructure, I have repeatedly heard government and private sector personnel say that the NII should be built by the private sector. Unless the private sector has failed to act, this admonition has always applied to the NII's content as well. In addition, these principles were recently signed into law as part of the Paperwork Reduction Act.


This past week, however, I have been made aware of a campaign to undercut these information policies and destroy the excellent public-private partnership established by this Administration between the Patent and Trademark Office and the many private sector information services that offer patent information to customers all over the world. I am referring to what I understand are attempts to get the Patent and Trademark Office to continue the free patent search service initiated by the Internet Multicasting Service, but to do so as a direct online service provided by the government. I find this to be anathema to the principles mentioned just above. Free market principles and government information policies appear to be tossed to the four winds by support of such a proposal within OMB. The private sector already offers a wealth of full-text (and other) patent and trademark information to hundreds of thousands of users.

I urge you to resist any such proposals and to maintain Patent and Trademark adherence to the Paperwork Reduction Act principles and to the provisions of OMB Circular A-130. The policies established by this Administration and by the Patent and Trademark Office have worked well and should be continued. They help assure continuing U.S. leadership in the information age. I trust you will agree this is vastly more important than a government agency bowing to the whims of an "information wants to be free," but content poor zealot.

In the past, the OMB has been one of the bright spots in terms of cooperation with the NII Advisory Council. For example, the proposed guidelines on privacy were first submitted to the NIIAC for comment in April of 1994, public hearings were held in August of 1994, and additional suggestions were made by NIIAC members prior to our adoption of NIIAC privacy principles at the November, 1994 meeting. You and Sally Katzen have attended, cooperated and reported to the NIIAC on more occasions than any other agency in the federal government. This far-sighted and useful cooperation has, I feel, resulted in extraordinary collaboration between the federal government and private industry and state information concerns. For these reasons, I was doubly upset to hear of the OMB "pressures" upon the PTO. And I must say at this point that the PTO and particularly its far-sighted Commissioner Bruce Lehman has been one of the truly outstanding members of this Administration. Commissioner Lehman's reporting and cooperation with the NIIAC has, along with the OMB, been the other truly outstanding contribution to our activities. Certainly, accommodation between the OMB and the PTO is in the best interest of the information economy of the United States. I urge this cooperation and especially in light of the lack of similar cooperation--at least at the depth previously displayed by the PTO--by other state and federal agencies.

Thank you for your very thoughtful input in the past and I am sure your very thoughtful consideration of these remarks.

Sincerely yours,



Vance K. Opperman

VKO:clw

# Coalition for Patent Information Dissemination

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September 18, 1995

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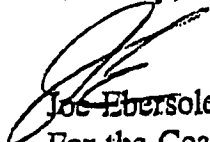
Honorable Bruce A. Lehman  
Assistant Secretary of Commerce and  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**RE: Letter to Sally Katzen and Bruce McConnell Regarding "Request" to PTO to  
Continue Carl Malamud's Service**

Dear Commissioner Lehman:

A copy of the letter to OMB is attached.

Sincerely,

  
Joe Ebersole  
For the Coalition